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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 18th May, 1964/Vaisakha 28, 1886 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS RENT
CONTROL REGULATION, 1964

No. 7 OF 1964

Promulgated by the President in the Fifteenth Year of the
Republic of India.

A Regulation to provide for the control of rents and evictions
in the Union territory of Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (1) of article 240
of the Constitution, the President is pleased to promulgate the follow-
ing Regulation made by him :—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands Rent Control Regulation, 1964.

Short title
extent and
commence-
ment

(2) It extends to the whole of the Union territory of Andaman and Nicobar Islands.

(3) It shall come into force in the first instance in the Port Blair Municipal area and thereafter in such other area on such date as the Chief Commissioner may, by notification in the Official Gazette, specify.

2. In this Regulation, unless the context otherwise requires,—

Defini-
tions.

(a) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(b) "landlord" means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or

receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

(c) "lawful increase" means an increase in rent permitted under the provisions of this Regulation;

(d) "member of the family" in relation to a person means, in the case of an undivided Hindu family, any member of the family of that person and in the case of any other family, the husband, wife, son, daughter, father, mother, brother, sister or any other relative dependent on that person;

(e) "Official Gazette" means the Andaman and Nicobar Gazette;

(f) "premises" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;

(ii) any furniture supplied by the landlord for use in such building or part of the building;

(g) "prescribed" means prescribed by rules made under this Regulation;

(h) "standard rent", in relation to any premises, means,—

(i) where the standard rent has been fixed by the court under section 8, the rent so fixed; or

(ii) where the standard rent has not been fixed under section 8, the standard rent of the premises as determined in accordance with the provisions of the Schedule;

(i) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or but for a special contract would be, payable and includes a sub-tenant and also any person continuing in possession after the termination of his tenancy but does not include any person against whom any order for eviction has been made.

3. Nothing in this Regulation shall apply—

(a) to any premises belonging to the Government; or

(b) to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease, or requisitioned, by the Government.

CHAPTER II

PROVISIONS REGARDING RENT

4. (1) Except where rent is liable to periodical increase by virtue of an agreement entered into before the 1st day of October, 1941, no tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any premises any amount

Regulation
not to
apply to
certain
premises.

Rent in
excess of
standard
rent not
recover-
able.

in excess of the standard rent of the premises, unless such amount is a lawful increase of the standard rent in accordance with the provisions of this Regulation.

(2) Subject to the provisions of sub-section (1), any agreement for the payment of rent in excess of the standard rent shall be construed as if it were an agreement for the payment of the standard rent only and not for the payment of rent in excess thereof.

5. (1) Subject to the provisions of this Regulation, no person shall claim or receive any rent in excess of the standard rent, notwithstanding any agreement to the contrary. Unlawful charges not to be claimed or received.

(2) No person shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any premises,—

(a) claim or receive the payment of any sum as premium or puggree or claim or receive any consideration whatsoever, in cash or in kind in addition to the rent; or

(b) except with the previous permission of the court referred to in section 25, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

(3) It shall not be lawful for the tenant or any other person acting or purporting to act on behalf of the tenant or the sub-tenant to claim or receive any payment in consideration of the relinquishment or transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any premises.

(4) Nothing in this section shall apply—

(a) to any payment made in pursuance of an agreement entered into before the 1st day of October, 1941; or

(b) to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any premises on the land belonging to, or taken on lease, by the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the premises when completed for the use of that person or any member of his family :

Provided that such payment does not exceed the amount of agreed rent for a period of five years of the whole or part of the premises to be let to such person.

6. (1) Where a landlord has at any time, before the commencement of this Regulation with or without the approval of the tenant or after the commencement of this Regulation with the written approval of the tenant or of the court referred to in section 25, made any improvement, addition or structural alteration in the premises, not being decoration or tenantable repairs necessary or usual for Lawful increase of standard rent in certain cases and recovery of other charges.

such premises, and the cost of such improvement, addition or alteration has not been taken into account in determining the standard rent of the premises, the landlord may lawfully increase the standard rent per year by an amount not exceeding seven and one-half per cent. of such cost.

(2) Where in respect of any premises the landlord pays any charge for electricity or water consumed in the premises or any other charge which is levied by a local authority having jurisdiction in the area and which is ordinarily payable by the tenant, the landlord may recover from the tenant the amount so paid by him; but no landlord shall recover from the tenant whether by means of an increase in rent or otherwise the amount of any tax on building or land imposed in respect of the premises occupied by the tenant:

Provided that nothing in this sub-section shall affect the liability of any tenant under an agreement entered into before the 1st day of October, 1941, whether express or implied, to pay from time to time the amount of any such tax as aforesaid.

Notice of
increase
of, or
addition
to, rent.

7. (1) Where a landlord wishes to increase the rent of any premises, he shall give the tenant notice of his intention to do so; and in so far as such increase is lawful under this Regulation, it shall be due and recoverable only in respect of the period of the tenancy after the end of the month in which the notice is given.

(2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882.

4 of 1882.

Court
to fix
standard
rent, etc.

8. (1) The court shall, on an application made to it in this behalf, either by the landlord or by the tenant, in the prescribed manner, fix in respect of any premises—

(a) the standard rent; or

(b) the lawful increase permissible under section 6.

(2) In fixing the standard rent of any premises or the lawful increase thereof, the court shall fix an amount which appears to it to be reasonable having regard to the provisions contained in the Schedule or section 6 and the circumstances of the case.

(3) In fixing the standard rent of any premises part of which has been lawfully sublet, the court may also fix the standard rent of the part sublet.

(4) Where for any reason, it is not possible to determine the standard rent of any premises on the principles set forth in the Schedule, the court may fix such rent as would be reasonable having

regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the standard rent payable in respect of such premises :

Provided that no standard rent so fixed shall exceed seven and one-half per cent. of the reasonable cost of construction at the time of the completion of such construction.

Explanation.—For the purposes of this proviso, “cost of construction” of any premises includes the market price of the land comprised in the premises at the time of the completion of such construction.

(5) The standard rent shall in all cases be fixed for a tenancy of twelve months :

Provided that where any premises are let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months.

(6) In fixing the standard rent of any premises under this section, the court shall fix the standard rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any fittings or furniture supplied by the landlord and it shall be lawful for the landlord to recover such additional charge from the tenant.

(7) In fixing the standard rent of any premises under this section, the court shall specify the date from which the standard rent so fixed shall be deemed to have effect :

Provided that in no case the date so specified shall be earlier than six months prior to the date of the filing of the application for the fixation of the standard rent.

9. If an application for fixing the standard rent or for determining the lawful increase of such rent is made under section 8, the court, shall, as expeditiously as possible, make an order specifying the amount of the rent or the lawful increase to be paid by the tenant to the landlord pending final decision on the application and shall appoint the date from which the rent or lawful increase so specified shall be deemed to have effect.

Fixation of interim rent by the court.

10. No collector of rent or middleman shall be liable to pay to his principal, in respect of any premises, any sum by way of rental charges which exceeds the amount which he is entitled under this Regulation to realise from the tenant or tenants of the premises.

Limitation of liability of middleman.

Limitation
for appli-
cations for
fixation of
standard
rent.

11. No application under section 8 shall be entertained unless it is made—

(a) in the case of any premises which were let, or in which the cause of action for lawful increase of rent arose before the commencement of this Regulation, within six months from such commencement;

(b) in the case of any premises let after the commencement of this Regulation, whether the application is made by the landlord or the tenant, within six months from the date on which the premises were so let;

(c) in the case of premises in which the cause of action for lawful increase of rent arises after the commencement of this Regulation, within six months from the date on which the cause of action arises.

Refund of
rent, etc

12. Where, before the commencement of this Regulation, any sum or other consideration has been paid by or on behalf of a tenant to a landlord and such payment would, if made after such commencement, contravene the provisions of this Regulation, the court may, on an application made in this behalf, within six months of such commencement, order the landlord to refund to the tenant such sum or the value of such consideration or adjust the same against the rent lawfully payable by the tenant to the landlord

CHAPTER III

CONTROL OF EVICTION OF TENANT

Protection
of a tenant
against
eviction.

13. (1) Notwithstanding anything to the contrary contained in any other law or any contract, no tenant of any premises shall be liable to be evicted therefrom except by an order of the court on any one or more of the following grounds, namely:—

(a) that the tenant has neither paid nor tendered the whole of the arrears of rent legally recoverable from him within one month of the date on which a notice of demand for the arrears of the rent has been served on him by the landlord in the manner provided in section 106 of the Transfer of Property Act, 1882; 4 of 1882.

(b) that the tenant has, without obtaining the consent in writing of the landlord, sublet the premises or used the premises for a purpose other than that for which they were let;

(c) that the landlord requires the premises *bona fide* for—

(i) occupation as residence for himself or any member of his family;

(ii) carrying out repairs, alterations or additions to the premises and such repairs, alterations or additions cannot be made without the premises being vacated;

(d) that the premises were let for use as residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of institution of any proceeding for eviction;

(e) that the tenant has, whether before or after the commencement of this Regulation, built, acquired vacant possession of, or been allotted, a suitable residence;

(f) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Regulation, to be in such service or employment; or

(g) that the tenant has, whether before or after the commencement of this Regulation, caused or permitted to be caused substantial damage to the premises, or notwithstanding previous notice, has used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government while giving him a lease of the land on which the premises are situated.

(2) No order for eviction shall be passed on the ground specified in clause (a) of sub-section (1), if on the first day of hearing of the proceeding or within such further time as may be allowed by the court, the tenant deposits with the court the arrears of rent then due together with the costs of the suit:

Provided that no tenant shall be entitled to the benefit under this sub-section, if having obtained such benefit once in respect of any premises, he again makes default in the payment of rent in respect of those premises for three consecutive months.

(3) For the purposes of clause (b) of sub-section (1), a court may presume that the premises let for use as a residence were or are sublet by a tenant in whole or in part to another person, if it is satisfied that such person not being a servant of the tenant or a member of the family of such tenant was or has been residing in the premises or any part thereof for a period exceeding one month otherwise than in commensality with the tenant.

(4) Where an order for the eviction of the tenant is passed on the ground specified in sub-clause (i) of clause (c) of sub-section (1) the landlord shall not be entitled to obtain possession thereof before the expiration of a period of three months from the date of the order

When a tenant can get benefit of protection against eviction.

14. (1) In every proceeding for the eviction of the tenant on the ground specified in clause (a) of sub-section (1) of section 13, the court shall, after giving the parties an opportunity of being heard, make an order directing the tenant to pay to the landlord or deposit with the court within one month of the date of the order, an amount calculated at the rate of rent at which it was last paid for the period for which the arrears of the rent were legally recoverable from the tenant including the period subsequent thereto up to the end of the month previous to that in which payment or deposit is made and to continue to pay or deposit, month by month, by the fifteenth of each succeeding month, a sum equivalent to the rent at that rate.

(2) If, in any proceeding for the eviction of the tenant on any ground other than that referred to in sub-section (1), the tenant contests the claim for eviction, the landlord may, at any stage of the proceeding, make an application to the court for an order on the tenant to pay to the landlord the amount of rent legally recoverable from the tenant and the court may, after giving the parties an opportunity of being heard, make an order in accordance with the provisions of the said sub-section

(3) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the amount of rent payable by the tenant, the court shall, within fifteen days of the date of the first hearing of the proceeding, fix an interim rent in relation to the premises to be paid or deposited in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, until the standard rent in relation thereto is fixed having regard to the provisions of this Regulation, and the amount of arrears, if any, calculated on the basis of the standard rent shall be paid or deposited by the tenant within one month of the date on which the standard rent is fixed or such further time as the court may allow in this behalf.

(4) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the person or persons to whom the rent is payable, the court may direct the tenant to deposit with the court the amount payable by him under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the court decides the dispute and makes an order for payment of the same

(5) If the court is satisfied that any dispute referred to in sub-section (4) has been raised by a tenant for reasons which are false or frivolous, the court may order the defence against eviction to be struck out and proceed with the hearing of the application.

(6) If a tenant makes payment or deposit as required by sub-section (1) or sub-section (3), no order shall be made for the eviction of the tenant on the ground of default in the payment of rent by the tenant, but the court may allow such costs as it may deem fit to the landlord.

(7) If a tenant fails to make payment or deposit as required by this section, the court may order the defence against eviction to be struck out and proceed with the hearing of the application.

15. For the removal of doubts, it is hereby declared that nothing in section 13 or section 14 shall apply to any decree or order for recovery of possession of any premises passed before the commencement of this Regulation.

Removal
of doubts.

16. (1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under sub-clause (i) of clause (c) of sub-section (1) of section 13, the landlord shall not, except with the permission of the court, obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the court may direct the landlord to put such evicted tenant in possession of the premises.

Recovery
of possession
for
occupation
and re-
entry.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the court under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the court to be *bona fide*, the court may, on an application made to it in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the court thinks fit.

17. (1) When passing any order on the grounds specified in sub-clause (ii) of clause (c) of sub-section (1) of section 13, the court shall ascertain from the tenant whether he elects to be placed in reoccupation of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of the election in the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of carrying out of repairs or building or re-building, as the case may be.

Recovery
of possession
for
repairs
and
re-build-
ing and
re-entry.

(2) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs or alterations or additions place the tenant in occupation of the premises or part thereof.

(3) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or alterations or additions within one month of the specified date or fails to complete the work in a reasonable time or having completed the work, fails to place the tenant in occupation of the premises in accordance with sub-section (2), the court may, on the application of the tenant made within one year from the specified date, order the landlord to place the tenant in occupation of the premises or part thereof or to pay to such tenant such compensation as may be fixed by the court.

Recovery of possession in case of tenancies for limited period.

18. Where a landlord does not require the whole or any part of any premises for a particular period and he lets the whole of the premises or part thereof as a residence for such period as may be agreed to in writing between himself and the tenant and the tenant does not on the expiry of the said period, vacate such premises, then, notwithstanding anything contained in section 13 or in any other law, the court may, on an application made to it in this behalf by the landlord within such period as may be prescribed, place him in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

Special provision for recovery of possession in certain cases.

19. Where the landlord in respect of any premises is any company or other body corporate or any local authority, or any public institution and the premises are required for the use of employees of such landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 13 or in any other law, the court may, on an application made to it in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the court is satisfied,—

(a) that the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or

(b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or

(c) that any other person is in unauthorised occupation of such premises; or

(d) that the premises are required *bona fide* by the public institution for the furtherance of its activities.

Explanation.—For the purposes of this section, “public institution” includes any educational institution, library, hospital and charitable dispensary.

20. Where the landlord proposes to make any improvement in, or construct any additional structure on, any building which has been let to a tenant and the tenant refuses to allow the landlord to make such improvement or construct such additional structure, and the court, on an application made to it in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that such work will not cause any undue hardship to the tenant, the court may permit the landlord to do such work and may make such other order as it thinks fit in the circumstances of the case.

Permission to construct additional structure.

21. (1) The provisions of this section shall apply notwithstanding anything contained in section 13, but only in relation to premises in such areas as the Chief Commissioner may from time to time by notification in the Official Gazette specify.

Special provisions regarding vacant building sites.

(2) Where any premises which have been let comprise vacant land upon which it is permissible under the building regulations or municipal bye-laws, for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him, and the court, on an application made to it in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the premises will not cause undue hardship to the tenant, the court may—

- (a) direct such severance,
- (b) place the landlord in possession of the vacant land,
- (c) determine the rent payable by the tenant in respect of the rest of the premises, and
- (d) make such other order as it thinks fit in the circumstances of the case.

22. (1) Where, after the commencement of this Regulation, any premises are sublet either in whole or in part by the tenant, with the previous consent in writing of the landlord, the tenant or the sub-tenant to whom the premises are sublet, may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within one month from the date of such subletting and notify the

Notice of creation and termination of sub-tenancy.

termination of such sub-tenancy within one month of such termination.

(2) Where, before the commencement of this Regulation, any premises have been lawfully sublet either in whole or in part by the tenant, the tenant or the sub-tenant to whom the premises have been sublet may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within six months of the commencement of this Regulation, and notify the termination of such sub-tenancy within one month of such termination.

(3) Where in any case mentioned in sub-section (2), the landlord contests that the premises were not lawfully sublet, and an application is made to the court in this behalf, either by the landlord or by the sub-tenant, within two months of the date of the receipt of the notice of subletting by the landlord or the issue of the notice by the tenant or the sub-tenant, as the case may be, the court shall decide the dispute.

Sub-tenant
to be
tenant in
certain
cases.

23. (1) Where an order for eviction in respect of any premises is made under section 13 against a tenant but not against a sub-tenant referred to in section 22 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to become a tenant holding directly under the landlord in respect of the premises in his occupation on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

(2) Where, before the commencement of this Regulation, the interest of a tenant in respect of any premises has been determined without determining the interest of any sub-tenant to whom the premises either in whole or in part had been lawfully sublet, the sub-tenant shall, with effect from the date of the commencement of this Regulation, be deemed to have become a tenant holding directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

Vacant
possession
to the
landlord.

24. Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason whatsoever and any order is passed by a court under this Regulation for the recovery of possession of such premises, the order shall, subject to the provisions of section 23, be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom :

Provided that nothing in this section shall apply to any person who has an independent title to such premises.

CHAPTER IV

JURISDICTION OF COURTS AND APPEALS

25. (1) Any civil court in the Union territory of the Andaman and Nicobar Islands which has jurisdiction to hear and decide a suit for recovery of possession of any premises shall have jurisdiction to hear and decide any case under this Regulation relating to such premises if it has pecuniary jurisdiction and is otherwise competent to hear and decide such a case under any law for the time being in force.

Jurisdiction of courts.

(2) The value of any case under this Regulation for the purposes of the pecuniary jurisdiction of the court, shall be determined by the amount of rent which is or would be payable for a period of twelve months, calculated according to the highest amount claimed in the case.

(3) If any question arises whether any application or other proceeding is a case under this Regulation, the question shall be determined by the court.

(4) Subject to such rules as may be made in this behalf, the court shall, while trying a case under this Regulation, follow as far as may be the practice and procedure of a court of small causes, including the recording of evidence.

(5) For the purpose of this Chapter, a case under this Regulation includes any application or other proceeding under this Regulation and also includes any claim or question arising out of this Regulation.

26. Any person aggrieved by any order of a Court passed under this Regulation may, in such manner as may be prescribed, prefer an appeal to the District Court within thirty days from the date of such order.

Appeals.

27. (1) Subject to the provisions of sub-section (2), an appeal shall lie to the High Court from any order made by the District Court within ninety days from the date of such order.

Second appeal.

(2) No appeal shall lie under sub-section (1) unless the appeal involves some substantial question of law.

CHAPTER V

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF LANDLORDS AND PENALTIES

28. (1) Notwithstanding anything contained in any law for the time being in force, and in the absence of agreement to the contrary by the tenant, every landlord shall be bound to keep the premises in good and tenantable repair.

Landlord's duty to keep the premises in good repair.

(2) If the landlord neglects or fails to make within a reasonable time, after notice in writing, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord :

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the premises are not habitable or usable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the court for permission to make such repairs himself and may submit to the court an estimate of the cost of such repairs, and, thereupon, the court may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost, by an order, permit the tenant to make such repairs at such cost, as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord :

Provided that the amount so deducted or recoverable in any year shall not exceed one-half of the rent payable by the tenant for that year :

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the court and the tenant agrees to bear the excess cost himself, the court may permit the tenant to make such repairs.

Cutting off
or with-
holding
essential
supply or
service.

29. (1) No landlord either himself or through any person purporting to act on his behalf shall without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

(2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the court complaining of such contravention.

(3) If the court is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the premises or to pay an enhanced rent, the court may pass an order directing the landlord to restore the amenities immediately pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the court on inquiry finds, that the essential supply or service enjoyed by the tenant in respect of the premises was cut off or withheld by the landlord without just or sufficient cause, the court shall make an order directing the landlord to restore such supply or service.

(5) The court may in its discretion direct that compensation not exceeding fifty rupees—

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord if the landlord had cut off or withheld the supply or service without just or sufficient cause.

Explanation 1.—In this section “essential supply or service” includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation 2.—For the purposes of this section, “withholding any essential supply or service” shall include acts or omission attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

30. Whenever, after the commencement of this Regulation, any premises are constructed, the landlord shall, within thirty days of the completion of such construction, give intimation thereof in writing to such officer as may be specified in this behalf by the Chief Commissioner.

Landlord's duty to give notice of new construction to Government.

31. (1) If any person receives any payment in contravention of the provisions of section 5, he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to a sum, which exceeds the unlawful charge claimed or received under that section by one thousand rupees, or with both.

Penalties.

(2) If any tenant sublets the whole or part of any premises in contravention of the provisions of clause (b) of sub-section (1) of section 13, he shall be punishable with fine which may extend to one hundred rupees.

(3) If any landlord contravenes the provisions of section 29, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(4) If any landlord fails to comply with the provisions of section 30, he shall be punishable with fine which may extend to one hundred rupees.

Cognizance
of offences.

32. (1) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Regulation.

(2) No court shall take cognizance of an offence punishable under this Regulation, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class to pass a sentence of a fine exceeding two thousand rupees on a person convicted of an offence punishable under this Regulation. 5 of 1898.

Power to
make
rules.

33. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which a court may try a case under this Regulation;

(b) levy of court-fees and other fees for applications and proceedings under this Regulation;

(c) the manner of service of notices under this Regulation;

(d) any other matter which has to be, or may be, prescribed.

THE SCHEDULE

[See sections 2(h) (ii) and 8(2)]

PROVISIONS FOR DETERMINING THE STANDARD RENT OF PREMISES IN THE UNION TERRITORY OF ANDAMAN AND NICOBAR ISLANDS

In this Schedule, the "basic rent" in relation to any premises, means the rent that the premises could have fetched had they been actually let out on the 1st day of January, 1950.

2. In the case of any premises, whether residential or not, constructed after the 1st day of January, 1950, but before the commencement of this Regulation, the annual rent calculated with reference to the rent at which the premises were let for the month of November, 1959, or if they were not so let, with reference to the rent at which they were last let out, shall be deemed to be the standard rent.

3. In the case of any premises, whether residential or not, constructed after the commencement of this Regulation, the annual rent, calculated with reference to the rent agreed upon between the landlord and the tenant when such premises were first let out, shall be deemed to be the standard rent for a period of three years from the date of such letting out.

4. Where the premises in respect of which rent is payable are let for use as a residence, not being premises to which paragraph 2 or paragraph 3 applies, the standard rent of the premises shall be the basic rent of such premises together with 18 per cent. of such basic rent.

5. Where the premises in respect of which rent is payable are let for business or profession, not being premises to which paragraph 2 or paragraph 3 applies, the standard rent of the premises shall be the basic rent of such premises together with 25 per cent. of such basic rent.

6. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 or paragraph 3 applies, are used mainly as a residence and incidentally for business or profession, the standard rent of the premises shall be the basic rent of such premises together with 20 per cent. of such basic rent.

7. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 or paragraph 3 applies, are let for business or profession or incidentally for use as a residence and mainly for business or profession, the standard rent of the premises shall be the basic rent of such premises together with 22 per cent. of such basic rent.

S. RADHAKRISHNAN,

President.

Dated the

1964.

R. C. S. SARKAR,

Secy. to the Govt. of India.

